



06-08-04

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Application No. 10/821,659

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3156.16US02

Dittmer, et. al.

Application No.: 10/821,659

Filed: April 9, 2004

Group Art Unit: Not Assigned

For: SECURE MOUNTING SYSTEM FOR OVERHEAD MOUNTED PROJECTOR

PETITION TO MAKE APPLICATION SPECIAL  
UNDER 37 C.F.R. §1.102(d)

Assistant Commissioner for Patents  
Washington, D.C. 20231

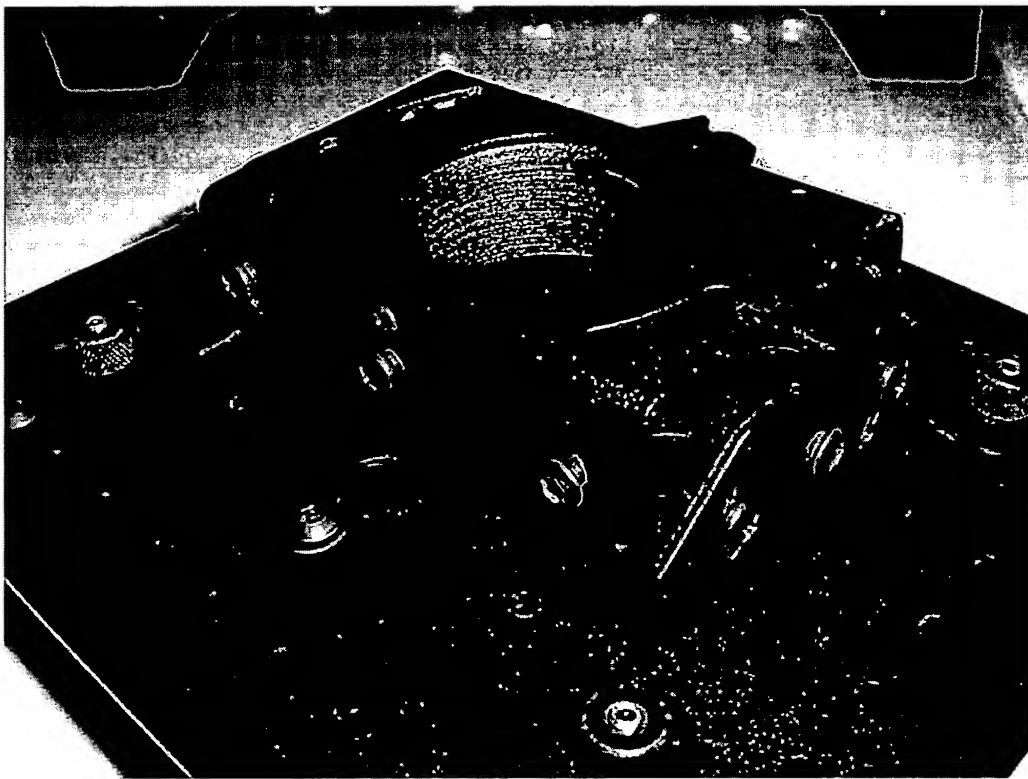
Sir:

Applicant hereby petitions to make the above-identified non-provisional patent application special under 37 C.F.R. §1.102(d) and per the requirements of MPEP 708.02, paragraph II (Infringement). Enclosed please find a check in the amount of \$430.00, which includes the petition fee of \$130.00 and the fee of \$300.00 for early publication of the application. Please credit or debit Deposit Account No. 16-0631 as needed to ensure consideration of the disclosed information.

Applicant submits that the pre-requisites for making the application special have been met, per MPEP 708.02, paragraph II, in that: (1) there is an infringing device on the market; (2) I have made a rigid comparison of the alleged infringing device with the claims of the application and, in my opinion, at least one of the claims is unquestionably infringed; and (3) I have caused to be made a careful and thorough search of the prior art, the search being made on-line by the law firm of Patterson, Thuente, Skaar and Christensen, P.A. of Minneapolis, Minnesota and including the U.S. art in *Class 248, Subclasses 221.11, 317, 324, and 917*. The

references deemed most closely related to the subject matter are submitted in a separate Information Disclosure Statement filed concurrently with this Petition.

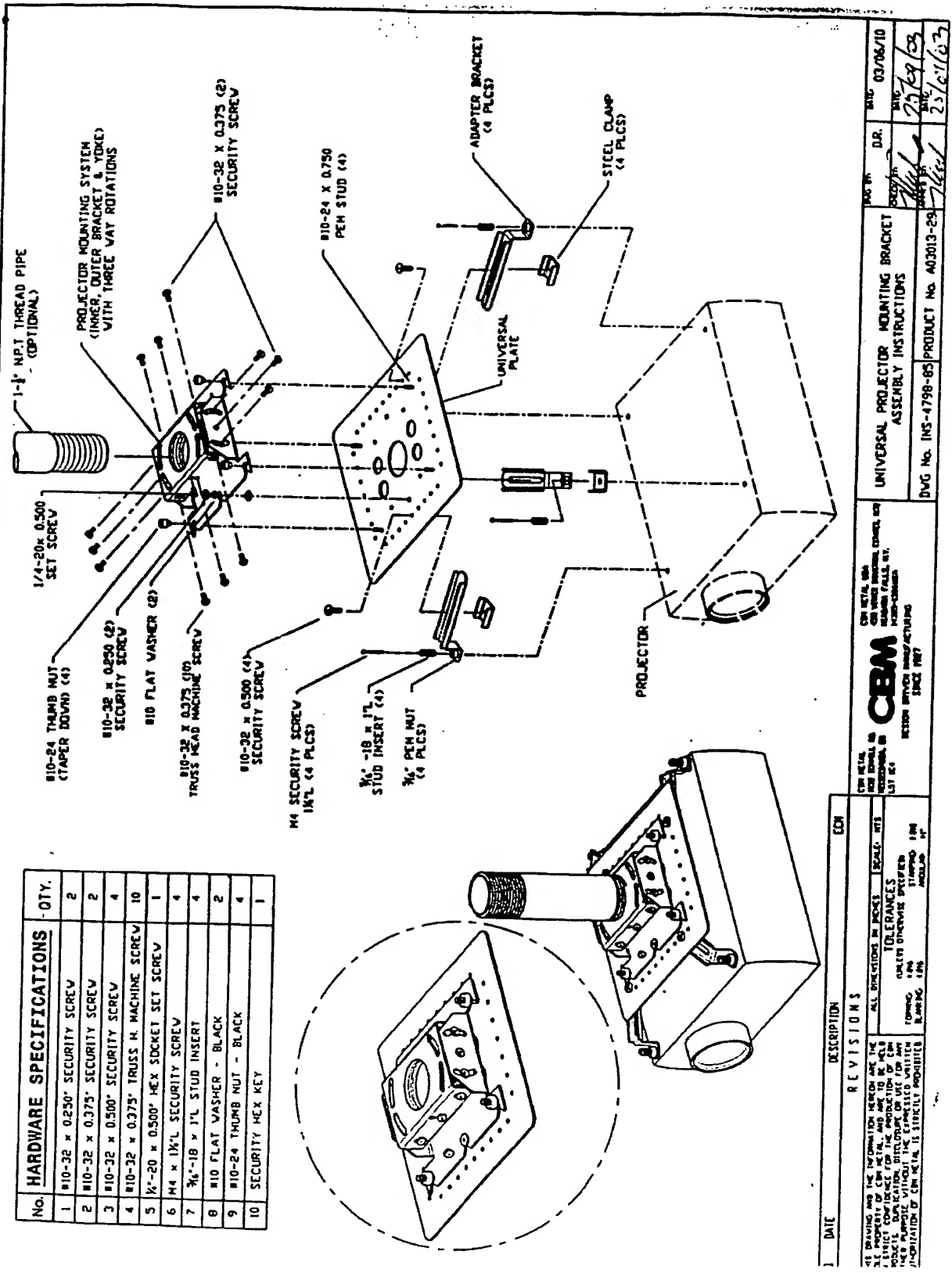
Reproduced below as Figure 1 is a photograph of an infringing device that was recently introduced into the U.S.A. market by a company called CBM Metal USA of Niagara Falls, New York. The infringing device carries the designation "Scrambler- Universal Projector Mount".



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Figure 1

Figure 2 is a copy of the assembly instructions that were included in the package with the mount depicted in Figure 1. Figure 3 is a printout of a CBM Metal webpage, viewed on June 4, 2004, at [http://www.cbmmetal.com/cataloguePages.cfm?product\\_id=106&ser\\_id=50&cat\\_id=3](http://www.cbmmetal.com/cataloguePages.cfm?product_id=106&ser_id=50&cat_id=3).



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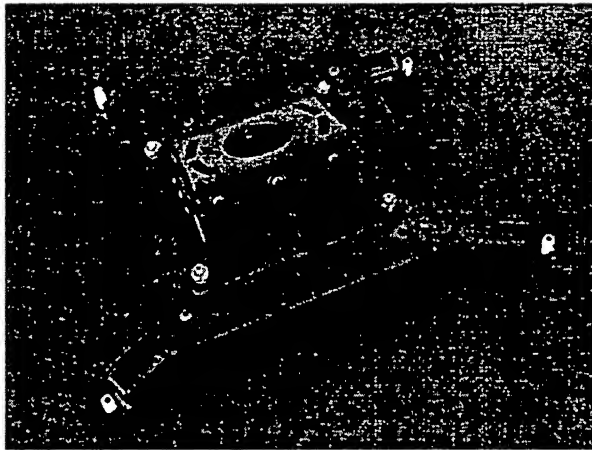
Figure 2



## Products

[Catalogue Home](#)>[AV Brackets](#)>[Projector Mounting Brackets & Accessories](#)

### Scrambler - Universal Projector Mount



**Product Number: A03013-29**

The Scrambler - Universal Projector Mount fits most flush mount or support with CBM accessories...

**Size (mm):** 413 L x 305W x 64H

**Size (In):** 16 1/4L x 12W x 2 1/2H

**Shipping Weight:** 4 Lbs.

**Color:** Black powder coat finish


**Features**

- Three way adjustability for optimum projection angle
- Thread forming hardware
- Flush ceiling mount or threaded tube mount capable

**Options**

- Optional security kit hardware - A03013-29-KIT - Call for quantity pricing!!

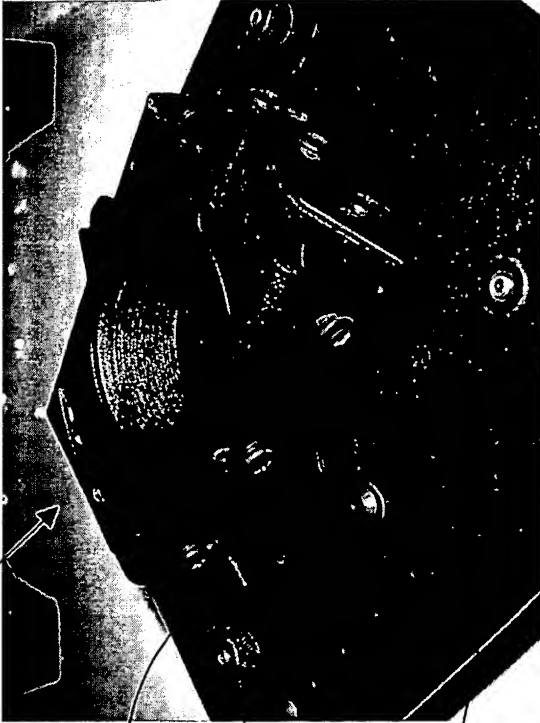
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Figure 3

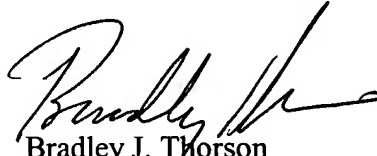
Presented below is a claim chart with my detailed comparison of the CBM Metal device with Claim 22 of the present application. Based on my analysis, I conclude that each and every limitation of Claim 22 is present in the CBM Metal device, and that at least Claim 22 is therefore unquestionably infringed.

Infringement Claim Chart for CBM Metal "Scrambler Universal Projector Mount"	
Claim From Present Application	Comparison Of The CBM Metal Device With The Claim Language
<p>22. A tamper resistant mounting system for adjustably attaching a visual projection device to a suspension member fixedly attached to an overhead structure, the system comprising:</p> <p>a device interface bracket adapted to be attachable to the projection device;</p> <p>tamper resistant means for attaching said device interface bracket to the projection device;</p> <p>a suspension member interface portion operably coupled to said device interface bracket, said suspension member interface portion adapted to be attachable to the suspension member; and</p> <p>tamper resistant means for fastening said suspension member interface portion to said device interface bracket.</p>	 <p>The depicted device is a mount for attaching a projector to an overhead structure such as a ceiling, with a suspension member such as a threaded pipe.</p> <p>The depicted device has tamper resistant means for attaching the device interface bracket to the projection device in the form of a tamper resistant fastener.</p> <p>The suspension member interface portion of the depicted device has a threaded aperture for receiving a threaded pipe suspension member.</p> <p>The depicted device has tamper resistant means for fastening the suspension member interface portion to the device interface bracket in the form of a tamper resistant fastener.</p>

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In view of the above, Applicant respectfully submits the pre-requisites for special status, per MPEP 708.02, paragraph II (Infringement), have been met and that the requirements for making the present application special per 37 C.F.R. § 1.102(d) have been met. As such, Applicant requests that the Commissioner grant the petition and move the application forward for accelerated examination.

Respectfully submitted,

  
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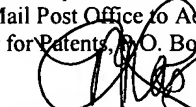
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CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV434262854. Date of Deposit: June 7, 2004. I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mia Vang

Name of Person Making Deposit

  
Signature